IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 31ST JULY, 2007 / 9TH SRAVANA, 1929

WP(C).No. 22360 of 2006(J)

PETITIONER:

SHEEBA MATHEW, CHERUVALLY PARAMBIL HOUSE
KADUTHURUTHY P.O. KOTTAYAM DISTRICT.

BY ADV. SRI.GEORGEKUTTY MATHEW

RESPONDENTS:
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1. THE REGIONAL PASSPORT OFFICER,
REGIONAL PASS PORT OFFICE, COCHIN.

ADDL.R-2. BIJU ANTONY, S/O.M.V.ANTONY,
THEKKENJRALAMKULATHU HOUSE,
PAKALOMATTOM.P.O.,
KURAQVILANGADU.

ADDL.R-2 IS IMPLEADED AS PER ORDER DTD.20.9.2006 IN I.A.NO. 12556/2006.

BY ADV. SRI.BABY THOMAS, CGC
BY SRI.PARAMESWARAN NAIR ,CGSC-B/O

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD

ON 31/07/2007, THE COURT ON THE SAME DAY DELIVERED THE

FOLLOWING:

APPENDIX (WP(C) NO.22360 OF 2006)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the Passport dtd.18.6.2001 issued by the respondent to the petitioner.

Ext.P2: Copy of the Deed of marriage dtd.28.5.2001 executed between the petitioner and Biju Antony.

Ext.P3: Copy of the Deed dtd.19.7.2006 executed by the petitioner.

Ext.P4: Copy of the application dtd.27.7.2006 submitted by the petitioner before the respondent.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

WP(C) NO. 22360 OF 2006 - J

Dated this the 31st day of July, 2007

J U D G M E N T

In the passport issued to the petitioner, one Biju Antony's name has been shown as her spouse. According to the petitioner, the said Biju Antony is not the legally wedded husband of the petitioner and it was, on account of a misunderstanding that she had included the name of the said Biju Antony as her spouse while making application for passport. The petitioner filed Ext.P4 application for removal of the name of the said Biju Antony from the petitioner's passport as the petitioner's spouse. The petitioner complains of inaction on the part of the first respondent in considering the same.

2. Notice has been issued to the said Biju Antony which has been served. However, he has not cared to enter appearance and contest the matter. The Central Government Counsel submits that although no proper application has been received from the petitioner, on the basis of the averment in the writ petition, the first

respondent has referred the matter to the Police and as and when the report is received and the petitioner files a proper application, the same would be considered in accordance with law.

3. After hearing both sides, I dispose of this writ petition with the following directions:-

The petitioner shall make a proper application for correction of the entries in the passport within one week from today. On receipt of the same, the respondents shall make appropriate enquiries and pass appropriate orders within one month from the date of receipt of the application. If the first respondent does not receive the report from the Police, he shall consider the matter on the basis of the evidence produced by the petitioner and pass orders without waiting further for the report from the Police. While doing so, the first respondent shall consider the fact that in spite of accepting notice from this Court, the additional second

respondent, namely, Sri.Biju Antony has not cared to contest the matter.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007